

FEB 06 2007

PTO/SB/64 (10-05)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

First named Inventor: HAROLD DOUGLAS FOSTER

Application No.: 10/605,028

Art Unit:

Filed: 06/23/2003

Examiner:

Title: PROTOCOL FOR AIDS PREVENTION AND TREATMENT
BY NUTRITIONAL METHODS

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

Small entity fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____ (Identify type of reply):

has been filed previously on _____
is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____
 has been paid previously on _____
 is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

PTO/SB/64 (10-05)

Approved for use through 07/31/2006, OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/83).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(e) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Harold D. Foster

Signature

3rd APRIL 2006

Date

HAROLD D. FOSTER

Typed or printed name

1543 ASH ROAD, VICTORIA,

Address

Registration Number, if applicable

(250) 592-9345

Telephone Number

BRITISH COLUMBIA V8N 2S9, CANADA

Address

Enclosures: Fee Payment Reply Terminal Disclaimer Form Additional sheets containing statements establishing unintentional delay Other: _____**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

3rd APRIL 2006

Date

Harold D. Foster

Signature

DISCS AND PETITIONS
FOR RENEWAL ALSO
SENT BY COURIER.HAROLD D. FOSTER

Typed or printed name of person signing certificate

Privacy Act Statement

The Privacy Act of 1974 (P.L. 93-579) requires that you be given certain information in connection with your submission of the attached form related to a patent application or patent. Accordingly, pursuant to the requirements of the Act, please be advised that (1) the general authority for the collection of this information is 35 U.S.C. 2(b)(2); (2) furnishing of the information solicited is voluntary; and (3) the principal purpose for which the information is used by the U.S. Patent and Trademark Office is to process and/or examine your submission related to a patent application or patent. If you do not furnish the requested information, the U.S. Patent and Trademark Office may not be able to process and/or examine your submission, which may result in termination of proceedings or abandonment of the application or expiration of the patent.

The information provided by you in this form will be subject to the following routine uses:

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether disclosure of these records is required by the Freedom of Information Act.
2. A record from this system of records may be disclosed, as a routine use, in the course of presenting evidence to a court, magistrate, or administrative tribunal, including disclosures to opposing counsel in the course of settlement negotiations.
3. A record in this system of records may be disclosed, as a routine use, to a Member of Congress submitting a request involving an individual, to whom the record pertains, when the individual has requested assistance from the Member with respect to the subject matter of the record.
4. A record in this system of records may be disclosed, as a routine use, to a contractor of the Agency having need for the information in order to perform a contract. Recipients of information shall be required to comply with the requirements of the Privacy Act of 1974, as amended, pursuant to 5 U.S.C. 552a(m).
5. A record related to an International Application filed under the Patent Cooperation Treaty in this system of records may be disclosed, as a routine use, to the International Bureau of the World Intellectual Property Organization, pursuant to the Patent Cooperation Treaty.
6. A record in this system of records may be disclosed, as a routine use, to another federal agency for purposes of National Security review (35 U.S.C. 181) and for review pursuant to the Atomic Energy Act (42 U.S.C. 218(c)).
7. A record from this system of records may be disclosed, as a routine use, to the Administrator, General Services, or his/her designee, during an inspection of records conducted by GSA as part of that agency's responsibility to recommend improvements in records management practices and programs, under authority of 44 U.S.C. 2904 and 2906. Such disclosure shall be made in accordance with the GSA regulations governing inspection of records for this purpose, and any other relevant (i.e., GSA or Commerce) directive. Such disclosure shall not be used to make determinations about individuals.
8. A record from this system of records may be disclosed, as a routine use, to the public after either publication of the application pursuant to 35 U.S.C. 122(b) or issuance of a patent pursuant to 35 U.S.C. 151. Further, a record may be disclosed, subject to the limitations of 37 CFR 1.14, as a routine use, to the public if the record was filed in an application which became abandoned or in which the proceedings were terminated and which application is referenced by either a published application, an application open to public inspection or an issued patent.
9. A record from this system of records may be disclosed, as a routine use, to a Federal, State, or local law enforcement agency, if the USPTO becomes aware of a violation or potential violation of law or regulation.

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FROM : UICAM Van

FAX NO. :

Feb. 06 2007 05:09PM P12

FEB 06 2007

815709

The UPS Store



parcel 1 of

Shipped From - Please Print		SHIP TO - Please Print	
Name: HAROLD D FASTER		Name: PHARMACEUTICAL FOR PATENTS	
Company Name:		Company Name:	
Street Address: 1543 ASH ROAD		Street Address: 200 BALLENFARM AVE	
City - Province: VICTORIA BC		City - Province/State - Country: VICTORIA, BC, CANADA	
Postal Code: V8N 2S9		Postal Code/Zip Code:	
Telephone Number (Business Hours): (250) 592-6365		Telephone Number (Business Hours):	
E-mail Address: H.Faster@shaw.ca		E-mail Address:	
Confirmation of Delivery: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Confirmation of Shipment: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Shipment Details

Shipment Date: 01/03/06	Are the contents of the Parcel breakable? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Value for Contents: \$	Freight Charges: \$ 345.54
Description of Delivery Address: Residential Address: Commercial Address:	Are the contents of the Parcel replaceable? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Value for Contents: \$	Shipment Protection Charges (UPS Shipments Only): \$
Service Level: Ground: AD 307	Actual Weight: 2.00 Dimensional Weight: 2.00	Declared Value Charges: \$
General Classification of the Contents of the Parcel:	Parcel Dimensions: L 20" W 12" H 6"	Accessorial Service Charges: \$
General merchandise	Were the contents of the Parcel packed by The UPS Store personnel? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Packing Materials: \$
Personal effects/breakables	Pre-Pack Waiver: I have declined packing service offered by The UPS Store and acknowledge that the coverage for the Parcel is limited to loss as provided herein. (Customer's Initials)	Packing Labour: \$
Artwork/antiques	Carrier's tracking Identification number: EXPRESS 1Z 703 046 06 9731 7007	Total Charges: \$ (A + B + C + D + E + F)
Jewellery and watches	UPS	Total Value of Contents (From Line G): \$
Document reconstruction	Other: Express Service <input checked="" type="checkbox"/> Expedited Service <input type="checkbox"/> Ground Service <input type="checkbox"/>	Packing and Shipping Charges (A + B + C + D + E + F): \$
		Total Value for Coverage (H + I) (UPS Shipments Only): \$
Description of Contents - Please record the description and value of all items enclosed in the Parcel.		
RECIPIENT ADDRESS		
EXPRESS 1Z 703 046 06 9731 7007		
ALL AMOUNTS ARE DISPLAYED AND IN CANADIAN DOLLARS.		
Total Value of Contents (From Line G): \$		

Shipper's Risk:

I have declined shipment protection or the carrier's declared value for the loss or damage of the contents of the Parcel and agree that any loss or damage of the contents shall be at my sole risk. (Customer's Initials)

Shipment Protection - Available Exclusively for shipments via UPS

I have declined shipment protection for the cost of packing and shipping. I acknowledge that the coverage on the Parcel is limited to the "Total Value of Contents" recorded on line G above. (Customer's Initials)

Declared Value Coverage

I acknowledge that the contents of my shipment are not eligible for declared value coverage and agree that any loss or damage of the contents shall be at my sole risk. (Customer's Initials)

Customer's Acknowledgement

I certify that I agree to the terms and conditions included herein, and that the stated contents and their value as recorded in the spaces above are truthful and complete.

Customer Signature

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For Service Inquiries

The UPS Store #199
1581-H Hillside Ave.
Victoria, BC V8T 2C7
250.370.0466 Tel 250.370.0436 Fax
store199@theupsstore.ca
www.theupsstore.ca/199

The UPS Store



parcel 1 of

Parcel Shipping Order

815708

Shipped From - Please Print		SHIP TO - Please Print	
Name: HAROLD D FASTER		Name: PHARMACEUTICAL FOR PATENTS	
Company Name:		Company Name:	
Street Address: 1543 ASH ROAD		Street Address: 200 BALLENFARM AVE	
City - Province: VICTORIA BC		City - Province/State - Country: VICTORIA, BC, USA	
Postal Code: V8N 2S9		Postal Code/Zip Code: 2231-1470	
Telephone Number (Business Hours): (250) 592-6365		Telephone Number (Business Hours):	
E-mail Address: H.Faster@shaw.ca		E-mail Address:	
Confirmation of Delivery: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>		Confirmation of Shipment: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Shipment Details

Shipment Date: 01/03/06	Are the contents of the Parcel breakable? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Value for Contents: \$	Freight Charges: \$ 345.54
Description of Delivery Address: Residential Address: Commercial Address:	Are the contents of the Parcel replaceable? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Value for Contents: \$	Shipment Protection Charges (UPS Shipments Only): \$ 345.54
Service Level: Ground: AD 307	Actual Weight: 2.00 Dimensional Weight: 2.00	Declared Value Charges: \$
General Classification of the Contents of the Parcel:	Parcel Dimensions: L 20" W 12" H 6"	Accessorial Service Charges: \$
General merchandise	Were the contents of the Parcel packed by The UPS Store personnel? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Packing Materials: \$
Personal effects/breakables	Pre-Pack Waiver: I have declined packing service offered by The UPS Store and acknowledge that the coverage for the Parcel is limited to loss as provided herein. (Customer's Initials)	Packing Labour: \$
Artwork/antiques	Carrier's tracking Identification number: EXPRESS 1Z 703 046 06 9731 7007	Total Charges: \$ (A + B + C + D + E + F)
Jewellery and watches	UPS	Total Value of Contents (From Line G): \$
Document reconstruction	Other: Express Service <input checked="" type="checkbox"/> Expedited Service <input type="checkbox"/> Ground Service <input type="checkbox"/>	Packing and Shipping Charges (A + B + C + D + E + F): \$
		Total Value for Coverage (H + I) (UPS Shipments Only): \$
Description of Contents - Please record the description and value of all items enclosed in the Parcel.		
RECIPIENT ADDRESS		
EXPRESS 1Z 703 046 06 9731 7007		
ALL AMOUNTS ARE DISPLAYED AND IN CANADIAN DOLLARS.		
Total Value of Contents (From Line G): \$		

Shipper's Risk:

I have declined shipment protection or the carrier's declared value for the loss or damage of the contents of the Parcel and agree that any loss or damage of the contents shall be at my sole risk. (Customer's Initials)

Shipment Protection - Available Exclusively for shipments via UPS

I have declined shipment protection for the cost of packing and shipping. I acknowledge that the coverage on the Parcel is limited to the "Total Value of Contents" recorded on line G above. (Customer's Initials)

Declared Value Coverage

I acknowledge that the contents of my shipment are not eligible for declared value coverage and agree that any loss or damage of the contents shall be at my sole risk. (Customer's Initials)

Customer's Acknowledgement

I certify that I agree to the terms and conditions included herein, and that the stated contents and their value as recorded in the spaces above are truthful and complete.

Customer Signature

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Health Molecular Sciences Inc.

Canadian Corporate Address:
1322 - 621 Discovery Street
Victoria, BC, Canada V8W 2W3

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FEB 06 2007

Fascimile Transmittal Sheet

Date : February 6, 2007 Fax # 571 273 8300

Company : United States Patent and Trademark Office

Attention : Commissioner of Patents

Reference: Re-Application Number 10/600,238

Dear commissioner of Patents,

Please find attached copy of check and letter application for number 10/600,238
accompanied by a letter addressed to Canada Post.

The original paperwork has been send to you but as per a notification you will
shortly receive from Canada Post has been substantially delayed.

I am faxing you this information because of the above mentioned reason.

Thank you kindly,

Dr. Harold D. Foster

Extremely urgent and time sensitive

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Feb 06 2007

February 6, 2007

Dr. Harold D. Foster
1543 Ash Road
Victoria BC V8N 2S9
Canada

ATTENTION: Kathy at Canada Post telephone contact number 604-662-1682
RE: Canada Post Investigation Case Trace #4550340

"On my behalf (Harold D. Foster), you (Kathy - Canada Post) will contact the United States Patent and Trademark Office to verify that I have sent the package containing information pursuant to my Patent re-application 37CFR1.136 to inform and certify the Patent Office of the disposition of my parcel/information in transit to your offices. Thank you."

SUBJECT: NON Delivery of Special Package to the Destination:
United States Patent and Trademark Office
Mail Stop Petition,
Commissioner of Patents' PO BOX 1450,
Alexandria, Virginia 22313-1450, USA

Fax # 571 273 8300

Package containing:

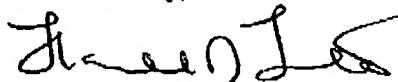
- * Re-Application Number 10/600,028 of
Dr. Harold Douglas Foster
Protocol for AIDS prevention and treatment by Nutritional Methods
- * Payment cheque for the Patent re-application

Dear USA Commissioner of Patents,

I kindly request an extension of our re-application under 37 CFR 1.136, which is due on February 14, 2007.

The above package has been sent to you on January 23, 2007 per Xpress post. However, as per attached notification of Canada Post, the information package has been severely delayed in the US Customs; and is in the US Government's care custody and control under our best determination and investigation for delivery to your office address as specified in your letter to me dated December 14th, 2006. Please advise if there is any further action required immediately to secure my Patent re-application under your file number 10/600,028. Thank you.

Yours sincerely,



Dr. Harold D. Foster

DATA BUSINESS FORMS 657006 QXP

Secure Document
Data Business Forms

15540 (1005)

THE BACK OF THIS DOCUMENT CONTAINS A TD LOGO WATERMARK - DOCUMENT VOID IF MISSING
36382
312**The Toronto-Dominion Bank**

287 - 04377615

No.

January 22, 2007

Date

- 4977615

Pay to the **COMMISSIONER FOR PATENTS**
Order ofU.S. \$ 7500.00
United States DollarsIn reimbursement charge account of The Toronto-Dominion Bank, Toronto
Authorized signature required for amounts over U.S. \$5,000.00To: Wells Fargo Bank, N.A.
115 Hospital Drive
Valley West, OH 44691

Authorized Officer

Number:

G158
Counter Signature

"4977615" 1041203824: 9600003324"

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H. D. FOSTER®

Application Number 10/600,028
Filing or 371(c) Date 06/23/2003
First named applicant Harold Douglas Foster
Confirmation No. 1326
Send by courier April 3, 2006

1543 Ash Rd.
Victoria, B.C.
Canada
V8N 2S9

Mail Stop Petition
Commissioner of Patents
PO Box 1450
Alexandria
VA 22313-1450
USA

Petition for revival based on unintentional abandonment

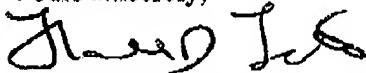
Dear Commissioner,

This petition is based on the fact that the abandonment in completing the Patent Application (Number 10/600,028) was unintentional. (MPEP 711.03(c), subsections (111) (C) and (D)). Copies of the Notice to File Missing Parts of Nonprovisional Application and of the Notice of Abandonment under 37 CFR 1.53(f) or (g) are included with this letter.

Please also find enclosed two compact discs labelled Copy 1 Replacement 04/03/2006 and Copy 2 Replacement 04/03/2006. As required by 37 CFR 1.52(e), I certify that each disc of this duplicate set is identical to the other discs in the set.

For each compact disc the machine format is IBM compatible; the operating system compatibility is ASCII format, Windows 98 up to Windows XP. There is one file on each compact disc, its file name is Patent Application; it is 20KB in size. These discs were created as replacements for earlier submitted non-complying discs on 04/03/2006 (April 3, 2006).

Yours sincerely,



Harold D. Foster Ph.D.

cc. Mail Stop Missing Parts,
Commissioner for Patents
PO Box 1450
Alexandria
VA 22313-1450
USA

Also transmitted by facsimile (571) 273-8300

FROM : UICAM Van
03/15/2000 11:45:05 PM 721 6216 FAX NO. :
DEPARTMENT OF GEOGRAPHY

Feb. 06 2007 05:07PM P5
NO. B35 P. 1/2

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United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: DIRECTOR, DIVISION FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO/FILE
10/600,028	06/23/2003	Harold Douglas Fester	

DR. HAROLD D. FOSTER
1543 ASH ROAD
VICTORIA, BC V8N 2S9
CANADA

CONFIRMATION NO. 1328
ABANDONMENT/TERMINATION
LETTER

Date Mailed: 02/14/2006

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 12/30/2003.

• No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (a) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 603);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 612); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 613).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(e) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(e) and Form PTO/SB/64.

FROM : VICAM Van
03/15/2006 11:56:29 AM FAX 721 6216 FAX NO. :
DEPARTMENT OF GEOGRAPHY

Feb. 06 2007 05:07PM P6
NO.825 P.2/204/UV4

Page 2 of 2

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (571) 272-3282.

F.D. Th.
A copy of this notice MUST be returned with the reply.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199, or 1-800-972-6382
PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED
CENTRAL FAX CENTER

Page 1 of 2

FEB 06 2007



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (e) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/600,028	06/23/2003	Harold Douglas Foster	

CONFIRMATION NO. 1326

DR. HAROLD D. FOSTER
1543 ASH ROAD
VICTORIA, BC V8N 2S9
CANADA

FORMALITIES LETTER



OC000000011585465

Date Mailed: 12/30/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The compact disc(s) submitted fail to comply with 37 CFR 1.52(e) in that they contain non-ASCII files. A new duplicate set of compact discs with only ASCII files is required. Any replacement compact disc submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. If a directory of the disc could be printed, it is attached and non-ASCII files are marked on the directory listing.
- This application is objected to because it contains a data file on CD-ROM/CD-R, however, the transmittal letter does not list for each compact disc, the machine format, the operating system compatibility, a list of files contained on the compact disc including their names, sizes in bytes, and dates of creation, plus any other special information that is necessary to identify, maintain, and interpret the information on the compact disc as required by 37 CFR 1.52(e)(3). A statement listing the required information is required. Additionally, the disc(s) is not identified in the paper portion of the specification with a listing of all of the files contained on the disc. When portions of an application are contained on a compact disc, the paper portion of the specification must identify the compact disc(s) and list the files including name, file size, and creation date on each of the compact discs. See 37 CFR 1.52(e). Applicant(s) are required to amend the specification to identify each disc and the files contained on the disc including the file name, file size, and file creation date.
- This application contains compact disc(s) as part of the originally filed subject matter or as an amendment, however the information contained on the compact disc(s) is not one of the types of information that may be submitted on compact disc(s). (see 37 CFR 1.52(e)).

Items Required To Avoid Processing Delays:

The item(s) indicated below are also required and should be submitted with any reply to this notice to avoid further processing delays.

- This application includes two copies of a compact discs, however they are not labeled "Copy 1" and "Copy

2," respectively (see 37 CFR 1.52(e)(4)).

- The compact discs already submitted fail to comply with the labeling requirements of 37 CFR 1.52(e)(6) which requires each disc be labeled "Copy 1" and "Copy 2", respectively; and for replacement compact discs "COPY 1 REPLACEMENT MM/DD/YYYY" (with the month, day and year of creation indicated), and "COPY 2 REPLACEMENT MM/DD/YYYY". Any replacement compact discs submitted should be accompanied by a certification as required by 37 CFR 1.52(e) that each disc of a duplicate set is identical to the other disc of the set. Any new compact discs submitted must comply with the labeling requirements.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

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A copy of this notice **MUST** be returned with the reply.:

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